

Message Text

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ACTION AF-04

INFO OCT-01 SS-14 ISO-00 L-01 SCA-01 SCS-01 DHA-02 SY-03

H-01 PRS-01 NSC-05 NSCE-00 INR-05 INRE-00 CIAE-00

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O P 161542Z AUG 76

FM AMEMBASSY LAGOS

TO SECSTATE WASHDC IMMEDIATE 6357

INFO AMEMBASSY LONDON PRIORITY

C O N F I D E N T I A L LAGOS 9405

LIMDIS

LONDON FOR SEITZ AND AMBASSADOR EASUM

E. O. 11652: GDS

TAGS: PFOR, CASC, ETRD, NI, US

SUBJ: GUTHRIE/SPRIGGS CASES

REF : LAGOS 9358

1. WHILE WE REMAIN GUARDEDLY HOPEFUL THAT APPEAL PROCESS OR COURT ORDERED DEPORTATION WILL RESOLVE GUTHRIE/SPRIGGS CASES, EMBASSY CONVINCED THAT WE SHOULD NOT MERELY SIT BACK AND AWAIT OUTCOME. WE ALREADY USING OUR LOCAL CONTACTS IN EFFORT TO OBTAIN FAVORABLE RESOLUTION TO CASES. IN ADDITION, EMBASSY BELIEVES USG SHOULD TAKE SOME ACTION WHICH WILL DEMONSTRATE IN VERY CLEAR WAY TO FMG THAT USG IS SERIOUSLY CONCERNED ABOUT FATE OF GUTHRIE/SPRIGGS.

2. THERE IS OPPORTUNITY AT THE MOMENT TO MAKE SUCH A SHOW. NIGERIAN AIR FORCE (NAF) WING COMMANDER GEORGE OSHO, COMMANDER OF FLIGHT WHICH BROUGHT THE CARTONS CONTAINING WEAPONS AND AMMUNITION TO NIGERIA LAST MAY 14, IS AGAIN IN MARIETTA, GEORGIA, WITH TWO NAF C-130H'S WHICH ARE UNDERGOING MINOR MODIFICATION. IT IS THE EMBASSY'S UNDERSTANDING THAT THE

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PLANES (AND OSHO) WHICH LEFT HERE AUGUST 12TH WILL BE IN

GEORGIA FOR THE NEXT THREE TO FOUR DAYS.

3. EMBASSY THEREFORE RECOMMENDS THAT DEPARTMENT CONSIDER TAKING FOLLOWING IMMEDIATE ACTION:

A. REQUEST DEPARTMENT OF JUSTICE TAKE DEPOSITION FROM OSHO. OSHO (AND NIGERIAN EMBASSY IF IT BECOMES INVOLVED) SHOULD BE TOLD THAT THE TAKING OF THE STATEMENT BY THE FBI IS PART OF THE CONTINUING INVESTIGATION INTO THE POSSIBLE ILLEGAL EXPORT OF ARMS AND AMMUNITION FROM THE U.S. IT SHOULD BE MADE CLEAR THAT U.S. OFFICIALS HAVE ALREADY TAKEN A DEPOSITION FROM MOOREHEAD AND ARE MERELY MAKING AS THOROUGH AN INVESTIGATION INTO THE MATTER AS POSSIBLE. OSHO MIGHT BE ASKED DURING THE INTERVIEW HOW HE BELIEVES THE CARTONS CONTAINING THE ARMS AND AMMUNITION COULD HAVE BEEN PLACED ON BOARD HIS AIRCRAFT AND WHAT MEASURES HE TOOK TO PREVENT POSSIBLE ILLEGAL EXPORTS.

B. SEND BUREAU OF CUSTOMS OFFICIALS TO MARIETTA TO INSPECT CARGO BEFORE PLANES ARE PERMITTED TO DEPART THE U.S. FOR NIGERIA. THIS STEP SHOULD BE EXPLAINED TO NIGERIANS AS A PART OF A USG EFFORT TO PREVENT RECURRENCE OF FURTHER UNFORTUNATE INCIDENTS. IF THE PLANES ARE AGAIN LOADED WITH STEREOS AND OTHER ELECTRICAL APPLIANCES, CUSTOMS OFFICIALS MIGHT INVENTORY ITEMS, MAKE A POINT OF ASKING FOR WHOM THEY ARE INTENDED AND ON WHOSE BEHALF THEY ARE BEING SENT.

4. THE ABOVE STEPS SHOULD BE TAKEN NOT WITH THE INTENT OF PREVENTING THE PLANES FROM DEPARTING THE U.S. OR DETAINING OSHO, BUT RATHER WITH A VIEW TO IMPRESSING ON FMG THAT GUTHRIE/SPRIGGS CASE COULD STILL INVOLVE NIGERIAN NATIONALS. THE ACTION WOULD ALSO SERVE TO DEMONSTRATE THAT USG IS NOT TOTALLY WITHOUT SOME CARDS TO PLAY. EMBASSY DOES NOT REPEAT DOES NOT BELIEVE THAT THESE STEPS, IF HANDLED WITHOUT PUBLICITY AND IF PLACED IN CONTEXT OF A CONTINUING U.S. INVESTIGATION INTO THE MATTER, RUN AN UNACCEPTABLE RISK OF WORKING AGAINST GUTHRIE/SPRIGGS APPEAL PROCESS. TO THE CONTRARY, EMBASSY BELIEVES THAT THESE ACTIONS MIGHT CONTRIBUTE TO RESOLUTION OF THESE CASES WHICH WILL RESULT IN REVERSAL OF CONVICTIONS, SUSPENDED SENTENCES OR IMMEDIATE DEPORTATION.

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